

FILED
DEC 19 2008
PATRICK E. DUFFY, CLERK
By DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,)	CR 08-09-M-DWM-2
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JANE TATE and BRETT TATE,)	
)	
Defendants.)	
_____)	

Defendant **Brett Tate**, having entered a plea of guilty to the charges in this case and the court having accepted that plea,

IT IS HEREBY ORDERED that:

1. Sentencing is set down for **March 19, 2009 at 10:00 a.m.**, in the Russell Smith Courthouse, Missoula, Montana.

2. The United States Probation Office shall conduct a presentence investigation in accordance with Fed. R. Crim. P. 32(b) and 18 U.S.C. § 3552(a).

3. Following completion of the presentence report, the probation officer shall disclose the report (excepting any

recommendations of the probation officer) to the defendant, counsel for the defendant, and counsel for the government no later than **February 2, 2009**. The probation officer shall not disclose, directly or indirectly to anyone under any circumstances, the substance or contents of any recommendation made or to be made to the Court.

4. In cases where restitution is mandatory, the probation officer shall consider a payment plan with the Defendant and make recommendations to the Court concerning interest and a payment schedule.

5. In accordance with U.S.S.G. § 6A1.2, after receipt of the presentence report and no later than **February 17, 2009**, counsel for each party shall present to the probation officer, in writing, any objections to be relied upon at sentencing and, if there is a dispute over any material in the presentence report, counsel shall meet with the probation officer and attempt to resolve disputes informally by diligent good faith effort.

6. The presentence report, in final form, shall be delivered to the Court and the parties no later than **March 4, 2009**.

7. If the objections made pursuant to ¶ 5 are not resolved and counsel wishes the Court to address them, the objecting party shall submit all unresolved objections and a sentencing memorandum to the Court no later than **March 10, 2009**. The Court

will resolve disputes in accordance with § 6A1.3 of the guidelines at the sentencing hearing.

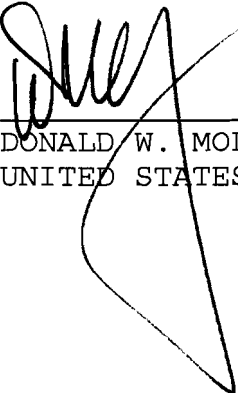
8. If either party intends to have witnesses testify at sentencing, the party must notify the Court no later than **March 10, 2009** of the identity of the witness and the scope and purpose of the intended testimony.

9. Without leave of Court, the defendant may file no more than ten (10) letters of support. Defendants wishing to file more than ten (10) letters must first seek leave of Court explaining why a greater number is necessary.

10. Any responses to sentencing memoranda shall be filed on or before **March 13, 2009**.

11. Reply briefs will not be accepted for filing in sentencing matters.

DATED this 19th day of December, 2008.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT